



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301

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U-4290/RSS-3A

MEMORANDUM FOR THE CHAIRMAN, DCI SECURITY COMMITTEE

SUBJECT: SCI Denials Working Group Report on Appeals Procedures

Reference: SECOM memorandum D-437, dated 26 January 1979.

1. With the exception of one recommended change, the Defense Intelligence Agency concurs in the adoption of draft Annex B to Director of Central Intelligence Directive 1/14 (Appeals Procedure).

2. DIA accepts paragraphs 1 through 4 and paragraph 6, as written. However, as presently written, paragraph 5 (Requirements) does not embody the legal elements necessary for a basic due process procedure under law and does not afford the flexibility required to incorporate changing court interpretations in national security cases. We, therefore, recommend the following be substituted for paragraph 5:

"Each SIO will ensure the establishment of an appellate denial procedure which complies with the requirements imposed by law relating to the concepts of fundamental fairness and administrative due process."

3. As rewritten, paragraph 5 agrees with the more general tone of DCID 1/14 and could avoid the legal ramifications that go with specificity. In addition, it would permit each Senior Intelligence Officer to develop appeals procedures for denial of SCI access which would conform to the particular requirements of his component or agency.

FOR THE DIRECTOR:

A handwritten signature in cursive script, reading "Karl V. Haendle", is positioned above the typed name.

KARL V. HAENDLE
Colonel, USA

Assistant Deputy Director for
Security Services

DIA review
completed.